

**Statement of Substance of Interview
under 37 C.F.R § 1.133**

Applicants submit this Statement of Substance of Interview in accordance with 37 C.F.R § 1.133 to be made of record for the application for patent identified herewith and respectfully requests entry of the statement as set forth herein.

Applicants again wish to thank the Examiner for participating in a telephone interview on August 30, 2007, held between the Examiner, Applicant's representative and Applicant. The Examiner was most courteous and receptive. In the interview, the substance of an Office Action mailed on March 27, 2007, as well as references cited therein were discussed. Applicant's representative and the Examiner further discussed the cited references in light of Applicant's claimed invention.

Applicants initially pointed out distinctions between Matthews (US Patent No. 3,838,998) and Applicants' claimed invention. In particular, Applicants reiterated a previous argument on the record that Matthews is not obvious over the claimed subject matter because Matthews requires a precursor composition with an oxides content that is very different. Matthews specifically states that "various modifications" were made "especially to accommodate the material for use in commercial spray dryers" and to maintain a composition in the "proportion by weight of 60-20-20, the numbers representing respectively the silica [oxides], alumina [oxides] and soda oxides" (Col. 6, ll. 50-56). As such, Applicants explained that the 20 wt.% soda oxides content was the total content in Matthews' precursor and was arrived at by combining all the ingredients referred to in either Composition 2, 3, 4 or 5 (modified compositions arrived at by Matthews, see Col. 5 and Col. 6). Thus, it was explained that the 20 wt.% soda oxides content was based on the content of all components in the precursor (e.g., water, sodium carbonate, sodium silicate, feldspar and carbosil) and not just on the soda oxide amount indicated to be in feldspar, which was what had been done by the Examiner. It was further discussed that Matthews relied on such a high soda oxides content of 20 wt.% because of a prior-held understanding that such high amounts were required as a binder to form

microspheres in the size range provided by Matthews. Accordingly, it was shown that Matthews taught a different method of making microspheres because of its reliance on a prior understanding of how to make microspheres that required a soda oxide content of 20 wt.%. Applicants also pointed out that alkali metal oxides include not only soda oxide, but other alkali metal oxides (e.g., potassium oxide). Applicants' claimed invention relies on "an alkali metal oxide content of less than about 10 wt. % based on the weight of the precursor," which is distinctly different than a 20 wt.% soda oxides content required by Matthews.

Applicants further described the difference between Matthews and Matsubara (U.S. Patent Application No. 2002/0004111) and the inability to combine such references to make microspheres as claimed by Applicants application. Applicants first pointed out that Matsubara teaches how to make microspheres that differ in size from Applicants' claimed invention and differ in size from that of Matthews. Matsubara specifically requires its microspheres have "an average particle size of at most 15 μm , a maximum particle size of at most 30 μm " (Abstract; para. [0012], [0017], [0060]). It was then explained that Matsubara is able to accomplish this by using a very different method of making such microspheres that requires a slurry (not an agglomerate precursor) which is made into fine droplets under pressure, whereby droplets are melted and vitrified to form hollow glass microspheres (para. [0046], [0047], [0049], [0051]). As taught by Matsubara, the droplets themselves cannot not be very large and, when dried, microspheres end up having an average particle size of 7.1 μm (Example 1, para. [0064]), 9.8 μm (Example 2, para. [0072]), 7.2 μm (Example 3, para. [0072]) or 8.5 μm (Example 5, para. [0072]). Matsubara makes clear in its teachings a desire to make "an aluminosilicate glass composition containing no alkali metal or substantially no alkali metal" (para. [0060]). With such a desire, there would be no reasonable expectation of success by combining Matsubara with a teaching of Matthews in which alkali metal content is purposefully high (at least 20 wt.%), particles sizes are much different and a method of making microspheres is completely contrary. Thus, it was shown that both Matthews and Matsubara separately and independently teach away from Applicants' claimed invention and that neither reference alone or in combination could be obvious over Applicants' claims.

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AFTER FINAL AMENDMENT
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Applicants suggested that the Examiner withdraw the finality of the rejection in view of misunderstandings with regard to the reference teachings of Matthews and Matsubara.

This is intended to be a written statement as to the substance of a telephone interview held on August 30, 2007, to be made of record in the application for patent.